

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAMONA COLON,	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 5:21-cv-03337-JMG
	:	
OFFICER AARON EUGENE KINNEL, <i>et al.</i> ,	:	
Defendants.	:	

ORDER

AND NOW, this 6th day of February, 2023, upon consideration of Defendants’ Motion for Summary Judgment (ECF No. 58), Plaintiff’s Opposition to Defendants’ Motion for Summary Judgment (ECF No. 75), Defendants’ Reply Brief in Support of Summary Judgment (ECF No. 80), and any exhibits attached thereto, Plaintiff’s correspondence to the Court dated February 2, 2023 (ECF No. 91), and for the reasons provided in the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that Defendants’ Motion for Summary Judgment (ECF No. 58) is **DENIED IN PART AND GRANTED IN PART** as follows:

- a. Defendants’ Motion for Summary Judgment is **DENIED** with respect to the following claims:
 - i. Excessive Force (Count I);
 - ii. Unlawful Search in Violation of the Fourth Amendment (Count II);
 - iii. Unlawful Seizure (Count III);
 - iv. Failure to Intervene (Count IV);
 - v. Civil Conspiracy (Count VI) to the extent of Plaintiff’s “after” claim;
 - vi. State Assault and Battery (Count XI);
 - vii. State Action – Trespass (Count XII);

viii. State Civil Conspiracy (Count XIII); and

ix. State Constitutional Violations.

b. Defendants' Motion for Summary Judgment is **GRANTED** with respect to the following claims:

i. Denial of Equal Rights Under Law (Count V);

ii. Civil Conspiracy (Count VI) to the extent of Plaintiff's "before" claim;

iii. Failure to Prevent Actions Taken Under §§ 1985-1986 (Count VII);

iv. Conspiracy to Interfere with Civil Rights (Count VIII);

v. Supervisory Liability (Count IX); and

vi. Municipal Liability (Count X).

c. Plaintiff has withdrawn the following claims:

i. Civil Conspiracy (Count VI) as to defendants Chief Carl Scalzo ("Chief Scalzo"), Mayor Salvatore J. Panto, Jr. ("Mayor Panto"), and City Administrator Luis Campos ("Administrator Campos");

ii. State Civil Conspiracy (Count XIII) as to defendants Chief Scalzo, Mayor Panto, and Administrator Campos; and

iii. State Constitutional Violations (Count XIV) as to defendants Chief Scalzo, Mayor Panto, and Administrator Campos.

IT IS FURTHER ORDERED that Defendants Chief Carl Scalzo, Mayor Salvatore J. Panto, Jr., City Administrator Luis Campos, and the City of Easton are **TERMINATED** from this action.

BY THE COURT:

/s/ John M. Gallagher

JOHN M. GALLAGHER

United States District Court Judge